

At a regular session of the County Commission of Cabell County, West Virginia, held at the Courthouse thereof, on the 26<sup>th</sup> day of January, 2017, the following Order was made and entered:

**IN THE MATTER OF DECLARING THE DISTRIBUTION OF PAIN MEDICATIONS A  
PUBLIC NUISANCE AND RETAINING THE FIRM  
GREEN KETCHUM TO SEEK CIVIL REMEDY**

The following resolution was offered by:

Robert L. Bailey, President

In addition to all other powers and duties now conferred by law upon county commissions, the Cabell County Commission is "authorized to enact ordinances, issue orders and take other appropriate and necessary actions for the elimination of hazards to public health and safety and to abate or cause to be abated anything which the Commission determines to be a public nuisance." W. Va. Code § 7-1-3kk [2002].

"*A public nuisance* is an act or condition that unlawfully operates to hurt or inconvenience an indefinite number of persons. The distinction between a public nuisance and a private nuisance is that the former affects the general public, and the latter injures one person or a limited number of persons only. Ordinarily, a suit to abate a public nuisance cannot be maintained by an individual in his private capacity, as it is the duty of the proper public officials to vindicate the rights of the public." *Sharon Steel Corp. v. City of Fairmont*, 175 W. Va. 479, 483, 334 S.E.2d 616, 620 (1985).

Between 2007 and 2012, more than 40 million doses of opioid pain medicine were sold in Cabell County which has a 2010 census population of 96,319. The dumping of millions of pain pills into our community has spawned a public health and safety hazard to the residents of Cabell County, devastated our families, hurt our economy, wasted our public resources and created a generation of narcotic dependence.

Those in the chain of distribution have wrongfully abused the privilege of providing medication to our residents and must be held accountable. It is the duty of the Cabell County Commission to vindicate the rights of the residents of Cabell County and take action to abate this public nuisance.

Therefore, **BE IT RESOLVED** that the Cabell County Commission hereby declares that the wrongful distribution of hydrocodone pain medicine, including OxyContin and its derivatives, has created a public nuisance to the people of Cabell County and the law firm of GREENE,

KETCHUM, FARRELL, BAILEY & TWEEL is hereby retained to hold accountable those in the chain of distribution who caused this public nuisance and abate the same by seeking all civil remedies which may be afforded under West Virginia law.

The adoption of the foregoing Resolution having been moved by:

Jim Morgan, Commissioner, and duly seconded by:  
Nancy Cartmill, Commissioner, the vote thereon was as  
follows:

Bob Bailey, President	AYE
Nancy Cartmill, Commissioner	AYE
Jim Morgan, Commissioner	AYE

Whereupon, Bob Bailey, President, declared said Resolution duly adopted and it is, therefore, **ADJUDGED** and **ORDERED** that said Resolution be and the same is hereby adopted.

Bob Bailey  
Bob Bailey, President

Bob Bailey, President

Nancy Cartmill  
Nancy Cartmill, Commissioner

  
Jim Morgan, Commissioner

im Morgan, Commissioner